

Planning Committee

(3rd Meeting)

27th October 2022Part A (Non-Exempt)

All members were present, with the exception of Connétable D. W. Mezbourian of St. Lawrence and Deputy M. R. Le Hegarat of St. Helier North, from whom apologies had been received.

Connétable P. B. Le Sueur of Trinity  
 Connétable M. O'D. Troy of St. Clement  
 Connétable K.C. Lewis of St. Saviour  
 Connétable R. A. K. Honeycombe of St. Ouen  
 Deputy S.G. Luce of St. Martin  
 Deputy T.A. Coles of St. Helier South  
 Deputy A. Howell of St. John, St. Lawrence and Trinity  
 Deputy A. F. Curtis of St. Clement

In attendance -

G. Duffel, Principal Planner  
 C. Jones, Senior Planner  
 L. Davies, Planner  
 G. Vasselin, Planner  
 M. McGovern, Planner  
 B. James, Planner  
 G. Ball, Planner  
 J. Gibbins, Trainee Planner  
 T. Gallichan, Trainee Planner  
 T. Ingle, Principal Historic Environment Officer  
 S. Surcouf, Mapping and Data Manager, Environmental Land Controls  
 K. M Larbalestier, Principal Secretariat Officer, States Greffe (item Nos. A1, A7 – A14)  
 K. Slack, Secretariat Officer, States Greffe (item Nos. A3 – A6 only)  
 L. Plumley, Secretariat Officer, States Greffe (item No. A2 only)  
 H. Roche, Assistant Secretariat Officer, States Greffe (item No. A2 only)

Note: The Minutes of this meeting comprise Part A only

- Minutes.
- A1. The Minutes of the meeting held on 20th October 2022, were taken as read and were confirmed.
- Water's Edge  
 Hotel, Les  
 Charrieres de  
 Boulay,  
 Trinity:  
 proposed  
 demolition and  
 redevelopment.
- A2. The Committee received a report in connexion with an application which proposed the demolition of the Water's Edge Hotel, Les Charrieres de Boulay, Trinity and its replacement with a new dwelling with guest accommodation, pool, pool house, tennis court, associated car parking, landscaping and separate staff accommodation. It was also proposed to construct a dive centre and cafe/restaurant to the north-east of the site, extinguish 2 existing accesses and create a new single access. The Committee had visited the application site on 25th October 2022.

P/2021/0795

Connétable P.B. Le Sueur of Trinity and Deputy A. Howell of St. John, St. Lawrence and Trinity did not participate in the determination of this application.

A site plan, drawings and a 3 dimensional model were displayed. The Committee noted that the application site was situated in the Coastal National Park and the Protected Coastal Area and that Policies SP1, 2, 3 4, 6, PL5, GD1, GD3, GD5, GD6, GD9, GD10, NE1, NE2, H1, H3, ME1, TT1, TT2 and WER7 of the 2022 Bridging Island Plan were relevant.

The Committee was advised that the application proposed the comprehensive redevelopment of the site, involving the demolition of all existing structures and the construction of a new dwelling with associated facilities including guest and staff accommodation, a swimming pool and pool house, landscaping and car parking. A replacement dive centre and café/restaurant with direct access to the pedestrian beach access in front of the hotel were also proposed as part of the scheme. The adjacent parking area was to be re-designed with a new layout, landscaping, and re-positioned/centralised vehicle access.

The Committee was apprised of the planning history of the site, which included a permit issued in 2012 for the redevelopment of the site to provide 25 units of tourism self-catering accommodation, a retained and remodelled restaurant and a replacement dive centre. This permission had been lawfully implemented through the demolition of part of the existing structure and works could continue. The current application proposed an alternative redevelopment of the site, to provide a single dwelling, a replacement dive centre and a new café/restaurant.

The Water's Edge Hotel comprised a large complex of buildings in a prominent and sensitive coastal location. The application site formed part of the Protected Coastal Area, as well as the Coastal National Park – the most protected landscape zone. With the exception of the Bouley Bay Dive Centre, which occupied part of the lower ground floor of the building, the hotel had been unused for many years and was now in very poor condition. A structural survey concluded that parts of the building were now in a 'dangerous' condition, and that it was impossible to envisage that any part of the complex that could be upgraded to current Jersey Building Bye-Law standards. Consequently, the demolition of the 3 separate but conjoined structures was considered to be the only viable option. Whilst the proposed new development was substantial, it nevertheless represented a significant reduction in floor area of approximately 23 per cent when compared with the existing hotel. There were also considerable reductions in comparison to the approved scheme. In addition, there would also now be a significant reduction in the amount of excavation required compared to the approved scheme. The design of the current proposal, which was essentially a series of heavily landscaped tiers progressively set in from the edges of the site, was considered to be more sympathetic with regard to its overall appearance and landscape impact compared to the existing hotel complex. The use of granite as the primary external material, together with extensive new landscaping throughout would help the development blend into the surrounding landscape, particularly in respect of distant views. The café and replacement dive centre would retain an active frontage to the development, continuing to provide public access along the pedestrian walkway overlooking the beach. Taking these factors into account, the Department was of the view that this latest development proposal would result in the environmental enhancement of the site. It would greatly improve the landscape and seascape character of Bouley Bay as a whole, as well as resulting in a significantly reduced intensity of occupation and use. Overall, the application would comfortably deliver the 'significant environmental gains' required by the policy framework of the Bridging Island Plan. This position had been endorsed by the Planning Policy Team.

The committee noted that a significant number of representations had been received both for and against the development. By far the greatest issue of concern appeared to be around the future of the dive centre, to include the interim provision for the continuation of the dive centre during the construction phase (if permission were to be granted) and also the future affordability of any lease as part of the new building. These concerns were considered to be unfounded as the scheme included provision for a replacement dive centre in the same location. A separate application (reference No. P/2021/1195) for a temporary dive centre for the duration of the redevelopment had also been submitted and would be considered by the Committee during the course of the meeting. A commitment to the long-term future of the dive centre (as well as to the provision of a temporary dive centre) would form part of a Planning Obligation Agreement (POA), the terms of which had been provisionally agreed with the applicant. The POA would also make provision for other matters, including guaranteeing public access to the Island's north-coast footpath (a section of which passed through the site, and for which there was presently no legal right of access), as well as ensuring that there was no interference in the Bouley Bay Hill Climb. The second main issue raised concerned the view that it was inappropriate for the site to be developed to provide a single dwelling. This was not a planning matter and there were no planning policy grounds which precluded such a development. It was noted that there was broad support for the development from all adjoining and nearby landowners, as well as from the operator of the dive centre.

In summary, the Department was satisfied that the application was fully compliant with the policies of the adopted Bridging Island Plan and it was recommended that permission be granted, subject to the imposition of certain conditions detailed within the Department report and on the basis of the entering into of a POA to secure the following –

the new dive centre and café, which were to be established as part of the development, may only be occupied as a dive centre and a café in perpetuity;

prior to the commencement of the development, a temporary dive centre (one which was fit for its intended purpose) must be established in a convenient location nearby to provide for a continuation of dive centre operations for the duration of the hotel redevelopment. Once the new dive centre was established and operational the temporary dive centre must be removed at the earliest reasonable opportunity and the area restored to its previous state and condition. (It was anticipated that the temporary dive centre would be located within the public car park to the immediate north of the hotel site, as set out within concurrent planning application reference P/2021/1195);

in the event that the temporary dive centre necessitated the loss of any public parking spaces, then an equivalent number of parking spaces must be provided by the applicant within the application site for the period of time during which the temporary dive centre is in place;

the public shall be granted the right to use of the footpath which passes through the site (as identified on the submitted plan). This right of access shall be maintained in perpetuity;

the owner and developer shall ensure that the public will retain full, unimpeded and safe access to all public areas (including the pedestrian footpath which runs directly alongside the site providing access to the nearby beach café) for the duration of the construction period;

neither the owner nor the developer shall obstruct, or otherwise object to, the right of the Jersey Motor Cycle and Light Car Club (JMCLCC) to hold any Bouley Bay Hill Climb Events;

the provision of 2 electric vehicle charging points, for the use of the public were to be installed within a public parking area nearby, to be made available for use prior to the occupation of any part of the development;

the provisions and requirements of the 10-year Woodland Management Programme, approved as part of the development, must be adhered to in full. The works required must be commenced prior to the occupation of any part of the development. In the event that a suitable POA was not agreed within 3 months of the date of the decision the application would be returned to the Committee for further consideration.

There had been a considerable amount of public interest in the application since it had been received in June 2021. A total of 186 individuals/groups had written to the Department and a number of late representations had been received after the publication of the agenda. The Committee had received copies of all documentation submitted in connexion with the application.

The Committee heard from Ms. [REDACTED], who objected in principle to one family 'owning the whole of Bouley Bay' and expressed concern that this would lead to a monopoly of the area. Ms. [REDACTED] questioned the future of the dive centre and café, should the owners decide to sell the property, and urged the Committee to refuse permission on this basis.

The Committee heard from Deputy A. Howell of St. John, St. Lawrence and Trinity who advised that she was conflicted, [REDACTED] Deputy Howell noted that whilst many of her constituents supported the proposed development, many others opposed it and had voiced concerns regarding a large part of Bouley Bay being in the ownership of a single family. [REDACTED]

[REDACTED] She pointed out the many community activities that took place at Bouley Bay and noted that should the application be approved, firm conditions should be imposed, including the continuation of the Bouley Bay Hill Climb; preservation of public access to the beach and footpath through the site; continued provision for the dive centre and beach style café, all in perpetuity. Whilst she supported the provision of a temporary dive centre, she was unconvinced by the proposed location, within the public car park to the north of the hotel site, which in her view, would lead to issues with parking. On a related note, she expressed concerns about the potential impact of work vehicle movements and parking during the construction phase, which would require careful management. She further commented that changing the two-way system entrance under the Waters Edge Chalets to a one-way system would exacerbate issues with parking and traffic movements. Concluding, she noted that a number of her constituents had expressed their wish for a public house to be reinstated on the site as part of the proposals.

Mr [REDACTED] of the National Trust (NT) for Jersey, voiced his vexation regarding the submission of late representations, including a number which he noted had been submitted at a very late hour the night before the meeting. Mr. [REDACTED] noted that the Jersey Architecture Commission (JAC) had commented on the proposals at an early stage in their development, and the NT continued to be surprised that the JAC was not consulted more frequently, particularly in the later stages of important applications such as this. He also noted that the JAC's comments were not made public as a matter of course. He advised that the NT recommended

that the POA should include a condition preserving access to the north coast footpath that ran through the site.

Deputy S.G. Luce of St. Martin, noted that the submission of late representations did cause practical difficulties, however the Committee was not minded to defer matters for this reason, due to the considerable efforts that many people went to in order to attend meetings of the Committee.

The Committee heard from Mr. [REDACTED] owner of Undercliff Guest House, who expressed his support of the proposed development, tinged with some reservations. Mr. [REDACTED] was concerned that construction and vehicle noise would adversely affect visitors' enjoyment of his facilities; he therefore proposed that any development should be managed very carefully with these issues in mind. Mr. [REDACTED] advised that development during the winter months would not pose an issue as the Undercliff Guest House was closed for the season, however from May to September, when the Guest House reopened, he suggested that the hours of operation of the site be restricted to between 8.00am and 4.30pm daily during the week. In addition, he requested that restrictions be placed on vehicular movements related to the project, adding that workmen should be required to park at the top of the hill and large construction vehicles should be restricted to coming down to the site one or 2 at a time. Mrs. G. Duffell, Principal Planner, noted that relevant restrictions had been included within the Construction/Demolition Environmental Plan (C/DEMP), which could be altered by agreement. Deputy S.G. Luce noted that placing additional limitations on working hours might prolong the length of the development.

The Committee heard from Mr. [REDACTED] on behalf of MS Planning, representing the applicant. Mr. [REDACTED] outlined the applicant's intention to create a home, not a fortress, to open up Bouley Bay and to be part of and support the local community. Mr. [REDACTED] noted that the application fully supported the continued provision of local facilities including the dive centre, café and Bouley Bay Hill Climb, and intended to preserve and enhance Bouley Bay for the future without regard to cost, noting that the JAC had described the proposed development as an exemplar scheme. He advised that both the Department and the Department for Strategic Policy, Planning and Performance had confirmed that the application met the requirements of the Bridging Island Plan policies. Mr. [REDACTED] further noted that it was the opinion of experts, public feedback, statutory consultees, users of Bouley Bay, immediate neighbours and businesses that the plans should be approved. He added that the project was transformational in the most positive sense and would bring enormous benefits to Bouley Bay, by sensitive design and landscaping, enhancement of the public vista, securing public access to the footpath, increased biodiversity and sustainable methods of development and construction. Mr. [REDACTED] expressed concern regarding the future of the dive centre and café, should the application not be approved, due to the deteriorating condition of the current premises. With reference to the extant approved plans for the redevelopment of the hotel, Mr. [REDACTED] noted that these would lead to significant parking issues with resulting consequences for public use of Bouley Bay, including the Bouley Bay Hill Climb. Concluding, he advised that the proposals presented a significant improvement in terms of design; would contribute to the repair and restoration of landscape character; and would result in a reduction in intensity of use and occupation, all of which contributed to the proposals meeting the policy tests contained within the Bridging Island Plan.

Mr. [REDACTED] of the JMCLCC addressed the Committee in support of the proposed development. He expressed dismay at the extant approved permission for the site and stated that he fully supported the application, which would simplify the JMLCC's negotiations with the site owner in respect of the Bouley Bay Hill Climb.

He also welcomed the protection afforded to the JMCLCC by the proposed POA, which would secure the future of the Bouley Bay Hill Climb. He expressed concern that the building would fall further into decay if the application was not approved.

The Committee heard from Ms. [REDACTED], proprietor of Mad Mary's Beach Café, which had served the Bouley Bay area for the past 18 years. She expressed concern regarding the future of the business, if the application was not approved, as the lease of the café premises was due to expire in September 2023. She was confident that the proposed POA would secure the continued existence of the café, and she therefore supported the application on this basis.

Ms. [REDACTED], owner of the Bouley Bay Dive Centre (BBDC), added her support to the application, noting that it was the only proposal that provided the BBDC with long term security thanks to the conditions included within the proposed POA.

Advocate [REDACTED] addressed the Committee, stating that he supported the application on various grounds including the current building being a 'dangerous disgrace' which needed replacing; the low environmental impact of the proposed replacement, of which the National Trust for Jersey was supportive; the continued benefits to the Bouley Bay community including a secure future for the dive centre and promotion of the area for tourism; the applicant's ability to ensure the long term upkeep and maintenance of the site; and that the proposal offered a real opportunity to improve the condition of the site, which he feared would worsen if not addressed.

The Committee heard from Mr. [REDACTED] a neighbouring resident [REDACTED]. He favoured the current application for a single dwelling, as he feared that the extant permission (for 25 units of tourism self-catering accommodation) would render the Bay inaccessible to locals and visitors, and potentially bring a halt to the Bouley Bay Hill Climb.

Ms. [REDACTED] informed the Committee that she supported the application due to the many benefits it would bring to the area. She commended the applicant for their willingness to privately fund improvements for the benefit of the Bouley Bay community and stated that she did not wish the Bay to be condemned to another decade of an abject blot on the landscape, which was unsafe for both locals and tourists. She expressed concern about the future of the site and the wider Bouley Bay area, should the application not be approved.

The Connétable of Trinity addressed the Committee, [REDACTED] and avidly supported the proposed scheme. He stated that the site was currently a festering carbuncle that had blighted the landscape for 10 years, and it had posed ongoing issues in his role as Connétable of Trinity. He noted that the application provided a fully funded means to address the concerns posed by the site and that it was supported both by consultees and a majority of the wider public. Concerns about the site being used for a single dwelling were misguided, in his view, as the demolition costs alone were prohibitive and a scheme for 3 to 4 dwellings would remain unaffordable [REDACTED]. The application presented a once in a lifetime opportunity to restore the site and secure local facilities and community benefits. Connétable Le Sueur concluded by stating that he feared for the future of the site if the application was not approved, and he urged the Committee to approve the application due to the significant public benefits it would bring to the Bouley Bay area.

It was confirmed, with regards to the extant permission for redevelopment of the site, that any material changes, including additional demolition of any existing buildings that were presently structurally unsound, would require a further application to be submitted. It was also confirmed that the condition relating to the site of the temporary dive centre was not prescriptive as to the location of the same, which could be altered if required.

Mr. [REDACTED] confirmed that the applicant was willing to accommodate Mr. [REDACTED]'s request with regard to limiting the hours of operation on the site during the summer months, which could be formally agreed and specified within the C/DEMP. The Department requested that a watching brief in respect of archaeology also be specified.

Having considered the application, the Committee, with the exception of Deputy T.A. Coles of St. Helier South and Deputy A. F. Curtis of St. Clement, expressed support for the application and decided to grant permission on the basis that the scheme would result in a significant improvement to the site, the landscape and seascape character of Bouley Bay as a whole; would bring about a reduction in intensity of occupation and use; and that the POA would secure a number of public and community benefits. In doing so, members made the following observations – the scheme was well designed and sympathetic to its surroundings, as well as a clear improvement on the existing buildings; changes in the tourism industry and the relatively remote location of the site meant it was unlikely that a hotel would be seen there again; whilst some members would have preferred the site to remain in tourism use, it was recognised that this would lead to an intensification of use, particularly in terms of traffic movements; concerns about the site consisting of a single dwelling were noted, however these were not materially relevant to the determination of the application. The Committee directed that the additional conditions be attached to the permit to secure an archaeological watching brief and the use of Jersey granite in place of granite slip. The POA should be amended to reflect the need to provide a temporary dive school within the Bay but not within a specified location. Deputies T.A. Coles of St. Helier South and A. F. Curtis of St. Clement expressed concerns regarding the scale, mass and volume of the proposals, in addition to the low intensity of use of the site.

Le Havre du  
Boulay, Les  
Charrières de  
Boulay,  
Trinity:  
proposed  
construction of  
temporary dive  
centre.

P/2021/1195

A3. The Committee received a report in connexion with an application which proposed the construction of a temporary dive centre on a small public car park on the area of land known as Le Havre du Boulay, Les Charrières du Boulay. The Committee had visited the application site on 25th October 2022.

Connétable P.B. Le Sueur of Trinity and Deputy A. Howell of St. John, St. Lawrence and Trinity did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Coastal National Park and the Protected Coastal Area and that Policies SP2, 3 4, 6, PL5, GD1, GD3, GD6, GD9, NE3, HE1, TT1 and WER2 of the 2022 Bridging Island Plan were relevant.

The Committee was advised that the Bouley Bay Dive Centre ('BBDC') was currently located on the lower ground floor of the Water's Edge Hotel. The Committee had granted permission for the demolition and redevelopment of this site (Minute No. A1 of the meeting referred) and this would involve the loss of the existing BBDC premises. The application under consideration proposed a temporary 'portacabin' style structure (measuring approximately 80 square metres in area), which would provide alternative accommodation for the dive centre for the duration of the construction work on the main hotel redevelopment. It was

anticipated that the hotel redevelopment would take between 2 and 3 years, at the end of which period (and once the new dive centre was in place) the temporary dive centre would be removed from the site. Such a structure would only be acceptable in the short term to enable the continued operation of the dive centre. Consequently, it was recommended that permission be granted, subject to the imposition of certain conditions detailed within the Department report and on the basis of the entering into of a Planning Obligation Agreement (as set out in Minute No. A1 of the meeting).

A total of 18 representations had been received in connexion with the application and these had been included with the Committee's agenda packs. The Committee was also in receipt of late representations which had been received after the publication of the agenda, the most recent being from MS Planning, representing the applicant, in response to a query raised on site by the Committee with regard to the proposed location of the dive centre and the potential for its relocation to a car park associated with the hotel. The Committee had also wished to receive further information in relation to the volumetric difference between the existing, approved and proposed developments.

The Committee initially heard from Deputy Howell, who stated that she was very supportive of the BBDC and Ms. [REDACTED], but strongly urged against permitting the alternative accommodation on the proposed site. She indicated that this would result in the loss of 15, rather than 6, parking spaces, because people were able to 'double park'. The spaces were in constant use and their loss would impact all users of the bay to an unacceptable level. She proposed, instead, that the temporary dive centre should be located below the Water's Edge chalets and that there should be an entrance and exit from the car parking area to maintain the traffic flow. Moreover, the parking area was used as a pit stop for the Jersey Motor Cycle and Light Car Club's Bouley Bay Hill Climb ('the hill climb').

In support of the application, the Committee heard from Mr. [REDACTED] of MS Planning and Ms. [REDACTED], the owner and director of BBDC. With regard to the volumetric differences between the existing and proposed developments, Mr. [REDACTED] indicated that the latter would be slightly smaller. He referenced the need for the BBDC to decant to an alternative site during the redevelopment of the former Water's Edge Hotel ('former Hotel') and emphasised that it was difficult to find a suitable location. Accordingly, he and the applicant had engaged with Ports of Jersey and Jersey Property Holdings, who had agreed that the application site could be used on a temporary basis. The 6 parking spaces that would be 'lost' from the public parking area would be replaced by 8 spaces in the external car park for the former Hotel. He emphasised the importance for the BBDC to be located in close proximity to the beach.

Ms. [REDACTED] informed the Committee that it was key for the BBDC to have a suitable site to obviate any interruption to the business of the dive centre and to continue its viability, noting that it had been operational for in excess of 70 years. The BBDC required easy access to the water and to electricity in order to enable the compressors to function. The dive centre ran courses for local schools as well as tourists and it was essential that it could continue to operate during the construction of the residence at the former Hotel site, which had been approved at Minute No. A1 of the current meeting.

Ms. [REDACTED] emphasised the importance of enabling the dive centre to remain near parking spaces and supported the application. She noted the views that had been expressed by Deputy Howell, but indicated that to relocate the BBDC further up Les



Charrières du Boulay ('the hill') would have safety implications as divers would be required to walk heavy diving equipment down and there was not necessarily access to the requisite electricity source at that location. She suggested that the introduction of additional turning points where the Water's Edge chalets were located would reduce traffic movements in the bay. Everyone using the bay would have to make adjustments whilst the development of the former Hotel was underway and, in her view, the application site would represent the least disruptive option.

The Connétable of Trinity informed the Committee that when the scheme for the former Hotel had first been proposed, his main concern had been the ongoing viability of those businesses in the vicinity, including the BBDC. He had met with representatives from Jersey Property Holdings, who were responsible for the management of the area and they were supportive of the application site. The dive centre required close access to a power supply for the compressors and it would not be appropriate for these to be sited under the Water's Edge chalets due to the potential for noise disturbance. In his view, the application site was the best for the users of the BBDC and its ongoing viability as a business and he asked the members of the Committee to think carefully before suggesting an alternative location.

Advocate [REDACTED] indicated his support for the application and emphasised the importance of the BBDC being able to continue to operate in the future as currently. He echoed the previously expressed sentiments with respect to safety if divers were required to walk down the hill carrying weights and tanks. With regard to the suggestion by Deputy Howell that the temporary dive centre should be located below the Water's Edge chalets, he stated that this would require the chalets to be in the ownership of the applicant, or by agreement with the owner (whether the public or in private ownership).

Mr. [REDACTED], dive master, also referenced manual handling issues with divers transporting heavy equipment up and down the hill. He informed the Committee that the BBDC provided surface support and, from its current location, could see the whole bay, monitor any movement and address any issues that arose with people in the sea. If the dive centre was to be temporarily moved further up the hill, this would not be as possible, with the attendant safety implications.

The Committee was informed by Mr. [REDACTED], owner of the Water's Edge chalets, that he had spoken with MS Planning and had voiced concerns at having between 6 and 8 cars below chalets 1 and 2 due to the amount of vehicular movement. In his view, it was possible that the 'portacabin' to house the BBDC would have been better sited below the chalets, but he questioned how high the structure would be and whether it would obstruct the views from the lower balcony of the chalets. He acknowledged the comment by Mr. [REDACTED] in respect of the ability to monitor swimmers and divers, so could understand the benefit of the dive centre being temporarily located on the parking area. The temporary dive centre would obstruct people's views of the bay, but he wanted development on the former Hotel site to progress as soon as possible, so that people could enjoy a pleasant bay. Accordingly, he was supportive of the application.

Mr. [REDACTED] asked the Committee not to judge the application on the potential loss of 15 parking spaces, as referenced by Deputy Howell, because people could only double park at the location when they knew each other and were going to arrive and depart at the same time. He reminded the Committee that, whilst 6 parking bays would be out of use for a time, an additional 8 would be made available further up the hill if the application was successful.

In response to questions from the Committee, Ms. [REDACTED] indicated that the BBDC continued to lease the bunker, but that it was not wired with the 3 phase electric that was required for the compressors. Accordingly, they were stored in the dive centre and when the new facilities were constructed, the sound emanating therefrom would be attenuated.

Deputy S.G. Luce of Grouville and St. Martin indicated that, in the knowledge that the decision reached at Minute No. A1 of the current meeting would secure a home for the diving centre somewhere in close proximity to the current site, he had an issue with the current application. He acknowledged that it was only proposed to temporarily locate the BBDC to the parking area for a period of between 2 and 3 years whilst the former Hotel was being redeveloped, but felt it would have a significant impact on the public amenity of the area. He could understand both points of view with respect to the parking and turning areas, but the major factor for him was the loss of view that would be caused by the location of the 'portacabin' on the application site and he stated that the public was entitled to continue to enjoy the view. He acknowledged that it was important for divers in the water to be seen, but expressed the wish for a compromise or alternative site to be found for the BBDC in order to protect the view and public amenity. The argument in respect of safety for divers walking down the hill was equally valid with respect to any other pedestrians and the distance from the car park in front of the Water's Edge chalets was the same as from the bus stop. He reiterated the need for a compromise to be found and was unable to support the application.

Deputy T.A. Coles of St. Helier South, agreed that there were health and safety implications for both divers and other pedestrians walking past an active construction site and stressed the importance of the developer being cognisant of this in order to protect the public right of way. He also emphasised the need to ensure that the 8 parking spaces that were to be provided at the former Hotel site were not occupied by tradesmen working on the development. He concurred with respect to the importance of those in the dive centre having good visibility of the bay in the event of a diver or swimmer experiencing difficulties and indicated his support for the application.

Deputy A.F. Curtis of St. Clement stated that the principal issue for him was that the application related to land that was not in the ownership of the applicant. He was reassured that a commitment to the long-term future of the dive centre (as well as to the provision of a temporary dive centre) would form part of a Planning Obligation Agreement (POA) in respect of the development approved at Minute No. A1 of the current meeting but, in his view, the proposal was not the correct compromise and he was unable to support the application.

Connétable R.A.K. Honeycombe of St. Ouen suggested that an alternative site should be found. He did not agree that a location below the Water's Edge chalets would be appropriate, as it was likely to result in noise disturbance. He acknowledged the need for oversight of the Bay, but suggested that the proposed location for the temporary BBDC was too small for a portacabin of approximately 80 square metres in area and would impact the hill climb. Accordingly, he was unable to support the application.

Connétable K.C. Lewis of St. Saviour considered the role of the BBDC in providing a safety function to be crucial. It would be difficult to find a perfect location for the dive centre, albeit on a temporary basis and it would be problematic for divers to have to walk down the hill with their gear. Accordingly, the centre would need to be located at the proposed location or close by and he indicated his support for the

application. He expressed the wish that, in the event that the application was successful, the replacement car parking should be clearly signposted.

Connétable M.O'D. Troy of St. Clement suggested an alternative location for the portacabin adjacent to the public toilets, but emphasised the need for oversight of the bay to prevent any unnecessary deaths. As a consequence, he was supportive of the application.

Having been unable to reach a majority decision, the application was refused, in accordance, with agreed procedures, and on the grounds that the proposal would result in the loss of public views of the Bay, harm landscape character and the extent of the loss of public car parking spaces. The Committee noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation and to set out in detail the reasons for refusal.

Le Becquet House, La Rue du Becquet, Trinity: proposed conversion of garage to habitable accommodation/construction of new garage (RFR).

A4. The Committee received a report in connexion with a request for the reconsideration of an application which proposed the conversion of an existing garage to habitable accommodation (with associated internal and external alterations) and the construction of a new garage at the property known as Le Becquet House, La Rue du Becquet, Trinity. The Committee had visited the application site on 25th October 2022.

Connétable P.B. Le Sueur of Trinity and Deputy A. Howell of St. John, St. Lawrence and Trinity did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Le Becquet House was a Grade 4 Listed Building. Policies GD1, GD6, NE1, NE3 and HE1 of the 2022 Bridging Island Plan were relevant.

P/2022/0065

The Committee was advised that permission was being sought for the conversion of the existing garage to a kitchen and utility area, alongside multiple fenestration and internal alterations. In addition, a garage/car port structure was proposed in the south-west corner of the site. Whilst the Department understood the applicant's desire to alter the property, the proposal was not compliant with the relevant policies of the Island Plan. Although the site was somewhat shielded by a mature *Leylandii* hedge and timber gates, these did not guarantee future screening of the site. However, the primary concern related to the siting of the proposed new garage structure within the direct southern setting of the host Listed Building. This was not considered to be an appropriate intervention and would be detrimental to the setting of the Listed Building. Whilst the structure had been reduced in size during the life of the application, concerns regarding the principle of such an intervention remained. Consequently, the siting and design of the proposed garage structure were considered to be inappropriate in terms of the adverse impact this would have on the setting of the Listed Building. The application had been refused on the basis that it was contrary to Policy HE1 and it was recommended that the Committee maintained refusal.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who reminded members that the Historic Environment Team ('HET') had submitted comments objecting to the application. She clarified for the Committee how the HET assessed issues around the impact on the significance of a Listed Building and its setting, both of which were contained within Policy HE1. Le Becquet House was, as aforementioned, a Grade 4 Listed Property from the mid-19th Century, traditionally orientated south, with the listing also incorporating the southern garden. The building had been extended in the 20th Century with the construction of a garage

and upper floor. The issue for the HET was how to deal with buildings that were proposed in front of the principal building line and the intention to construct a garage on the hard standing would have an inappropriate impact on the setting of the Listed Building. Ms. Ingle reiterated to the Committee that the proposed site of the garage was not developed land and that the extermination of the previous garage use did not automatically allow for a replacement facility. Ms. Ingle had visited the site and had discussed at some length the proposal with the owner of Le Becquet House and the architect and whilst she understood the owner's aspirations with regard to the application, the imposition of the garage could not be offset by concealing it behind fences and the Leylandii hedge. The proposed garage would adversely impact the setting of the Listed Building, so the HET would continue to object to its proposed location in front of the building line and its impact on the wider setting. The Committee was reminded that setting did not relate to the public view, but about how a building was experienced.

The Committee heard from Mr. [REDACTED] of Gallaher Architects, who indicated that a property of the scale and nature of Le Becquet House required garaging and privacy from coaches using the main road and that the siting of the proposed garage in the south west corner of the site was the most practical from a development perspective. Alternative options had been explored, but they would impact the existing garden and green space. By placing the proposed garage on hard landscaping, the garden aspect would not be sacrificed and it would be located 9.9 metres from the listed boundary. He referenced the significance of the visual entrance on approaching a listed or large building and by including new hedging along the front of the southern garden this would 'frame' the listed frontage of the principal property.

Deputy S.G. Luce of Grouville and St. Martin emphasised the importance of the setting. He indicated that the Committee often considered similar applications to convert a garage into habitable space and a later request was then received to construct a garage. He echoed the views expressed by Ms. Ingle that the garage was on the wrong side of the Listed Building. The previous extension had been undertaken in a sympathetic manner, but this was not the case with respect to the design and site of what was proposed and, accordingly, he maintained refusal. Connétable M. O'D. Troy of St. Clement indicated that the choice of materials, which it was noted had been chosen to represent a garden outbuilding, were out of context with the rest of the property. He also felt that the setting was not right and maintained refusal, as did the remaining members of the Committee on a unanimous basis.

Viewfields, La Grande Route de St. Laurent, St. Lawrence: proposed demolition and redevelopment (RFR).

A5. The Committee received a report in connexion with a request for the reconsideration of an application which proposed the demolition of the dwelling known as Viewfields, La Grande Route de St. Laurent, St. Lawrence and its replacement with a new 4 bedroom house with amenity space and car parking. The Committee had visited the application site on 25th October 2022.

Deputy A. Howell of St. John, St. Lawrence and Trinity did not participate in the determination of this application.

P/2021/1927

A site plan, drawings and a 3 dimensional model were displayed. The Committee noted that the application site was situated in the Built-Up Area and the Airport Noise Zone. Policies PL3, GD1, GD5, GD6, NE1, NE3, HE1, H1, TT1 and TT4 of the 2022 Bridging Island Plan were relevant.

The Committee was advised that the application site was located within a defined local centre, where the principle of residential development, including replacement

dwellings, was acceptable in principle, in accordance with Policy PL3 of the 2022 Bridging Island Plan. However, the site bordered open fields and the Green Zone to the immediate east, with the existing dwelling being reasonably prominent in the context of wider landscape views. Land to the east formed part of the wider interior agricultural plateau character area, as designated in the Integrated Landscape and Seascape Character Assessment (ILSCA). The application site was also located in close proximity to a number of Listed Buildings to the immediate west, to include Albion House and Le Sanctuaire aux Cinq Toux, both of which were Grade 3 Listed. St. Lawrence Church (Grade One Listed) and St. Lawrence Parish Hall (Grade 2 Listed) were located within reasonable proximity to the site on the opposite side of the main road to the west and north-west, the latter of which was within view of the northern portion of the application site. The site benefited from a private access track off the main road and a large garage building to the south of the property. A grouping of mature trees and shrubbery bounded the property and its amenity space to the south and west/north-west but the south-eastern boundary adjacent to Field No. 524A was devoid of landscaping.

The application sought permission for the replacement of the existing dwelling with a more modern dwelling, with both double and single storey elements. A flat roof and an increased length from north to south (relative to the existing property) was proposed together with a significant amount of glazing. The property would be finished in a combination of painted render, timber cladding infill panels, feature granite spine walls and blue black slate on the roof. Strong concerns had been raised by the Historic Environment Team (HET) regarding the design, particularly in relation to the horizontal emphasis of the proposed dwelling and its failure to successfully relate to its context. The proximity of the site to open countryside and the likely adverse impact the proposals would have upon wider landscape views/landscape character as a result of the undue prominence and incongruity of the new dwelling had been highlighted. Concerns had also been raised that the development failed to protect the setting of Listed Buildings within the immediate vicinity, particularly to the immediate west. Consequently, the application had been refused on the grounds that it was contrary to Policies HE1, GD5, GD6, NE3 and it was recommended that the Committee maintained refusal.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who reminded the members that when considering setting in the context of policy HE1, the important consideration was not about the public view but about how a building was experienced in space and place. St. Lawrence village was unusual in that it had the Listed Church and Parish Hall aligning the street and another set of Listed Buildings on the opposite side thereof. It was a highly sensitive listed setting and it was also important to be mindful of how the edge of the settlement – where the application site was located - was perceived. The existing property at the site was not contributing to the quality or setting, so its loss in heritage terms could be supported. However, the proposed development would substantially fill the plot with little opportunity for sympathetic landscaping to achieve a buffer. Moreover, the longer views of the proposed development would be strongly articulated against the roofs of the Listed Buildings in the vicinity.

Ms. Ingle informed the Committee that she had requested additional information from the applicant's agent in order to understand the impact of the development in its context. However, this had not been forthcoming so she had re-read the Design Statement that had accompanied the application to review the design intention and understand the contextual response. The HET's principal concerns related to the impact of the proposed development on a range of Listed Buildings, most notably those that were Grade One and Grade 2. Ms. Ingle reassured the Committee that she was not of the view that a modern building could not be sited at the location, but

had concerns in respect of the scale and mass of what was currently proposed, in addition to the limited ability to shield the impact of the building, so was unable to support the application.

The Committee heard from Mr. [REDACTED], MS Planning, who was representing 2 neighbours of Viewfields and reminded the Committee that the current application was the second in recent time. The first (P/2021/0178), which had been withdrawn in July 2021, had been to construct 4no. 4-bed homes on the site and had caused an element of friction with the neighbours. His clients were grateful that the outbuilding was being retained in the current application but had concerns in respect of the large flat roof to the south and the overall scale of the proposed building. Key issues related to character, place-making and relevance to Jersey and the site. The proposed development would be highly visible from both the heart of the village of St. Lawrence and the countryside and it was not sensitive to the group of Listed Buildings near to the site. It would adversely impact neighbouring properties due to overlooking from the first floor and no consideration had been given to the existing built forms in the village. Mr. [REDACTED] drew attention to the consultation response from the Infrastructure, Housing and Environment Department in which it was noted that the proposal was an intensification of the use of the site by dint of the extant building being a 3-bedroom bungalow, with a 4-bedroom property proposed. Moreover, as the applicant did not own the land to each side of the driveway, they could not control the visibility splays which were required for safe egress. Accordingly, he asked the Committee to maintain refusal.

In support of the application, the Committee heard from Ms. [REDACTED] of KE Planning, who indicated that her client and the team were of the view that replacing the existing dwelling with an architect-designed property could be supported by the provisions of the 2022 Bridging Island Plan ('BIP'). She made reference to policies SP1 to the extent that a building was already on the site, SP2 which directed development to the built-up area and PL3, local centres. In her view, the location was entirely appropriate. The site was within walking distance of a shop, the church, the school and a pub and was on a regular bus route to St. Helier or St. John. In light of the location, she disagreed that one extra bedroom constituted an intensification of use. The proposed replacement property would be energy efficient and as there was no design guidance with respect to St. Lawrence village, it was legitimate to design the property taking into account the policies contained within the BIP. There had been significant engagement with officers and the proposed design was predicated upon those conversations. Ms. [REDACTED] indicated that her client felt they had worked with the Department and officers to deliver a scheme that met policy guidance and was frustrated that it was not clear if the submissions had been considered, whilst acknowledging that professional opinions would vary. It was suggested that the views expressed by the HET exceeded the Listed Building schedule.

The Committee heard from Mr. [REDACTED] of Morris Architects, who indicated that the applicant's intention was to create a family home. The initial application had been for 4 units on the site - of which 2 were intended for use by the applicant's children - which had received supportive pre-application advice. Issues had been experienced during the statutory review and the application had been withdrawn, as aforementioned. He clarified that the current building had 4 bedrooms, so there would be no intensification of use and the Highways section of Infrastructure, Housing and Environment Department had withdrawn their objection. There had been several rounds of engagement with neighbours during which the footprint of the proposed property had been moved away from the boundary and adjustments had been made to reduce overlooking. No further objections had since been raised

with him but he suggested that there could be issues that had related to the initial application which had annoyed the neighbours.

Mr. [REDACTED] noted that, in its response to the consultation, the HET had referenced the style of the dwelling, identifying that it was neither ‘traditional’ in St. Lawrence or its context, which he considered subjective. However, he indicated that there was an eclectic mix of housing around the application site, ranging from bungalows to 1980s houses and terraces. The aim of the proposed development was to reduce carbon emissions and to create an ultra-efficient passive property. The wider windows would contribute towards thermal gain, power would be generated on site and the development would be carbon efficient. He questioned whether it was right to continue replicating the same built form and suggested that the proposed design was a modern interpretation, using vernacular materials which had integrity and connection and was no larger than the current footprint with a permitted development of 30 square metres. It was important to embrace change and, in the view of Mr. [REDACTED] it sat appropriately in the setting.

The application had been submitted 7 months previously and the planning officer, who had previously been responsible for it, had indicated that he would be supportive. However, there had been a recent change of planning officer and supplementary information, including landscape schemes and a review of the development in its historic context had been sought, which had cost his client time and money. These had been submitted, but Mr. Marett did not believe that they had been considered as part of the consideration by the Department and he suggested that due process had not been followed. In his view, the information provided from the heritage consultant and with respect to landscaping had been particularly relevant to the application as they had addressed issues raised by the HET and the buffering of the rural edge. He suggested that the Island needed to have a framework for space and standards and embrace some of the information that was available in the United Kingdom to have greater clarity on whether a development was impacting heritage assets or not. He reminded the Committee that Morris Architects was a local firm, which was passionate about design and indicated that the design of the proposed dwelling was appropriate, of a high quality and delivered technically and ascetically. It would have no material impact on the neighbours and would contribute significantly to the local environment.

The Chair of the Committee, Connétable P.B. Le Sueur of Trinity, informed Mr. Marett that criticism of the case officer, who had taken over from the original officer, was not justified and that he had professional qualifications. The Chair indicated that when he had visited the site, he had been particularly mindful of Policy GD5 (Demolition and replacement of buildings), although this had not been cited in the grounds for original refusal of the application. The demolition of the extant building would add to the overall carbon impact and he did not feel that a case had been made to justify such action. He did not believe that the proposed development was appropriate in the setting and although the existing property was currently screened by unmanaged trees, he could envisage a detrimental impact if they were removed.

Deputy S.G. Luce of Grouville and St. Martin indicated that the setting of the Listed Buildings was key for him. He had stood outside the Parish Hall and looked at the view to the south east and had no doubt that the proposed development would adversely impact the view down the main road. He felt that the design should mirror the setting and that Policies GD6 (Design quality) and HE1 (Protecting listed buildings and places and their settings) were significant. He expressed the wish to see something more in keeping at the site and maintained refusal.

Connétable M.O'D. Troy of St. Clement suggested that a more subtle and subservient development could work at the site and that either an extension of the existing building or a magnificent construction in context with the area would be preferable. He maintained refusal. Deputy T.A. Coles of St. Helier South also referenced Policy GD5 and emphasised that anything developed in the area should be in keeping in light of the number of Listed Buildings in the vicinity. He also had regard to the size and mass of the proposed structure and maintained refusal. Deputy A.F. Curtis of St. Clement made reference to Policies HE1 and GD5 and noted that the cost to refurbish the proposed site had been estimated at [REDACTED], which equated to [REDACTED] per metre square, which he found excessive. He also decided to maintain refusal. Connétable R.A.K. Honeycombe indicated that the historic environment was central to the Island's identity. The proposed structure did not integrate into the surrounding area, would be highly visible and impacted the setting of the Listed Buildings. Moreover, a case had not been made to demolish the existing property on the site. Accordingly, he also maintained refusal. Connétable K.C. Lewis of St. Saviour described the design as 'quite nice' but felt that it was not appropriate for the context or area and also maintained refusal.

Noting that Policy GD5 had not been referenced in the reasons for refusal, Mrs. G. Duffel, Principal Planner, informed the Committee that the Department would explicitly include in the reasons for refusal that the application failed in respect thereof.

Foxfield, La  
Route Orange,  
St. Brelade:  
proposed part  
demolition/  
extension and  
refurbishment  
(RFR).

A6. The Committee received a report in connexion with a request for the reconsideration of an application which proposed the part demolition/extension and refurbishment of the dwelling known as Foxfield, La Route Orange, St. Brelade. The Committee had visited the application site on 25th October 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone. Policies SP2, SP4, PL5, GD1, GD5, GD6, H1, H9, NE1, NE2, NE3, HE1, TT1, TT2 and TT4 of the 2022 Bridging Island Plan were relevant.

P/2022/0482

The Committee noted that the floor area of the existing bungalow measured 146 square metres and the ridge height was 5 metres (6.5 metres including the chimney stack). The scheme proposed the removal of the existing pitched roof and the retention of the majority of the dwelling and its extension to the north, together with the construction of an additional floor of accommodation. The total floor area of the extended dwelling would be 389 square metres extending to a height of 6.05 metres, with the exception of a cantilevered element on the southern elevation. In isolation the design and architectural detailing were considered to be of a high standard. However, in this particular context the increased floor area and, more notably, the bulk and massing would have a significant impact on the surrounding area. Consequently, the scheme was considered to be contrary to Policy H9. Furthermore, the proposals were considered unsympathetic to La Moye Manor and its former outbuildings, all of which were Grade 2 Listed, contrary to Policy HE1. Reference had also been made to Policies GD5 and GD6, in that insufficient justification had been provided for the removal of the existing roof.

The Committee heard from Ms. T. Ingle, Principal Planner, Historic Environment, who referenced the significance of the Grade 2 Listed La Moye Manor. This was an important building as it retained historic proportions and, together with its outbuildings, formed a cohesive whole. The changes proposed to Foxfield would not directly impact the historic fabric, but would impact the setting of the Listed Building and did not improve it. It was acknowledged that there was currently a large hedge in place but this was a temporary screen and it was important to give



consideration to the wider setting without this in situ. She acknowledged that, architecturally, the quality of the proposed build might be high and she was not opposed to contemporary design per se. However, the role of the Historic Environment Team ('HET') was to consider the wider setting of the Listed Building and the outbuildings that formed part of the listing and were situated on the boundary of the site and the view of the HET was that the application detrimentally impacted the setting and neither improved nor conserved it.

Mr. [REDACTED] from Godel Architects informed the Committee that the applicant was unable to be present, but read from a letter that he had prepared. [REDACTED] Foxfield [REDACTED] as a family home. It was a 3-bedroom bungalow with small rooms, but [REDACTED] it made living in the property – as currently configured – difficult [REDACTED] [REDACTED] The applicant and his wife wished to stay in a place they loved and the application would afford the opportunity to improve the insulation and weather-tightness of the property. He hoped that the Committee would consider the application to be both reasonable and proportionate.

The Committee heard from Ms. [REDACTED] of KE Planning. She indicated that refurbishment of the existing property could be supported by Policy SP2 (Spatial strategy). The site had already been built on and was in a sustainable location within walking and cycling distance of various amenities, on the edge of Les Creux Millennium Park. Bus stops with links to St. Helier and other places were in easy reach and it was not a remote location. Policy SP2 supported extensions and set out that it was appropriate for previously developed land to be developed. The application site was within a small hamlet and development could be supported where it provided housing to meet need. [REDACTED]

[REDACTED] The size of the proposed dwelling would meet the need of families and larger properties were appropriate if they helped to support families. In the application, the existing dwelling had been largely retained and only one roof was proposed to be remodelled, which was consistent with Policy GD5 (Demolition and replacement of buildings). The reworked building would be energy efficient and Ms. [REDACTED] informed the Committee that there was no specific design guidance for development in the countryside, except with regard to density and the size of the footprint.

There was a rich history of design approaches, including both modern and traditional in the surrounding area. La Moye Manor was a replacement dwelling, as was another to the west. [REDACTED] The increase in the size was consistent with changes that had been permitted over a decade. Professional opinions varied on the design but the applicant was of the view that the design approach was consistent with approved schemes, would not adversely impact the adjacent Listed Building and was in line with strategic policies.

The Committee heard from Mr. [REDACTED] of Godel Architects, who referenced the 3 reasons given for refusal, the first of which was that the proposals would represent a disproportionate and excessive increase to the dwelling in terms of floor area, footprint, bulk and visual impact outside of the built up area, contrary to policies SP2 (spatial strategy), PL5 (countryside, coast and marine environment) and H9 (housing outside the built-up area) of the Bridging Island Plan 2022 (BIP). Mr. [REDACTED] quoted from Policies SP2 and PL5 and indicated that, in his view, the application was compliant therewith. He likened the area to a low density housing estate. He stated that the wooded valley to the north of the site was not accessible to the public and the trees were taller than the property. He suggested that the

proposed works would protect and enhance the character. He read from Policy H9 and reminded the Committee that the BIP did not comment on projects of that nature. The application was to remodel an existing property to deliver enhanced living accommodation and whilst it was accepted that there would be an increase in the floor area, this related primarily to the first floor. Permitted development rights allowed for the conversion of roof space to habitable accommodation, which could add a further 71 square metres.

Mr. [REDACTED] emphasised that the aim of the proposed works was to make the accommodation more suitable [REDACTED]. He informed the Committee that other large houses existed in the area and an extension to a property in close proximity to the site had been approved under the BIP. The visual impact of the property would not be disproportionate and the site was well screened by hedging, which would not be removed. [REDACTED]

[REDACTED] He suggested that the economic enhancements contained within the proposal had not been given sufficient weight.

With regard to the proposed development representing an unsympathetic form of development in the context of surrounding Listed Buildings and failing to protect or improve their setting (contrary to Policy HE1), Mr. [REDACTED] drew the attention of the Committee to the request in June of the Principal Planner, Historic Environment for cross sections through the site as currently and as proposed, including La Moye Manor and its outbuildings within the extent of the listing. Mr. [REDACTED] indicated that these had been submitted, but no response had been received from the HET and the application had been refused. Accordingly, it was not possible to know whether the HET had seen the cross sections and if these had allayed their concerns, as they had not appeared on the Planning website. In his view, the cross sections would prove that the proposed development would not adversely impact the Listed Building. The listing schedule referred principally to the Manor house, which was on the other side of the road and the scheme would have no adverse impact on the important parts of the grouping of properties.

The final reason given for refusal related to insufficient evidence that the development could be adequately accommodated by the foul sewerage network, contrary to Policy WER7 of the BIP. Mr. [REDACTED] indicated that the comments of the Infrastructure, Housing and Environment Department with respect to the drainage had only been uploaded on 19th July 2022 and the scheme had been refused on 27th July, without allowing sufficient time to respond to the concerns raised.

In conclusion, he recommended the scheme to the Committee. It met the needs of the applicant and provided additional living space on a sustainable site. It would result in a significant upgrade of the building's fabric and protect the special character of the area.

In response to a question from the Chair of the Committee, Connétable P.B. Le Sueur of Trinity with regard to the lack of wet room on the ground floor [REDACTED] noting that there was just a cloak room planned, Mr. [REDACTED] indicated that a stair lift would be installed [REDACTED]. With respect to the schedule relating to La Moye Manor, Ms. Ingle informed the Committee that each schedule for a Listed Building included a description and in order to clearly identify a particular building, the front elevation was often described. However, it was not accurate to suggest that this meant that the importance of the Listed Building relied only on its frontage and it did not infer that the rear of the building was not significant.

Deputy S.G. Luce of Grouville and St. Martin emphasised the importance of the Listed Building and indicated that, in his view, the application was clearly not an extension. This was a view shared by all the other members of the Committee, who were not satisfied with the proposed design within the context. Deputy A.F. Curtis of St. Clement drew attention to the planning statement accompanying the application, in which it referred to extant dwelling being substandard in terms of structure and yet it was proposed to construct a first floor. In his view this was a large increase in size of a site that already had an existing underutilised floor space.

The Committee was unanimous in maintaining refusal.

Field Nos. 26  
and 27, Le  
Mont a la  
Brune, St.  
Brelade:  
proposed  
change of use  
(RETRO-  
SPECTIVE)  
(RFR).

P/2021/1731

A7. The Committee received a report in connexion with a request for the reconsideration of a retrospective application which proposed the change of use of Field Nos. 26 and 27, Le Mont a la Brune, St. Brelade to facilitate the use of the fields as a compound for Ports of Jersey. The Committee had visited the application site on 25th October 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone. Policies SP2, PL5, GD1, NE1, NE2, NE3, ERE1, EO1, EI1, TT1 and WER8 of the 2022 Bridging Island Plan were relevant.

The Committee noted that the aforementioned fields were being used as a compound in association with a future development at Jersey Airport. The application sought approval retrospectively for the use of the north-west portion of the site as a compound for redevelopment works scheduled for completion in 2030. No statutory agricultural restrictions were attached to the fields and their use for rough grazing was permissible. Environmental Land Controls did not support the application and Policy ERE1 of the 2022 Bridging Island Plan sought to safeguard agricultural land. Applications which proposed the change of use of agricultural land required details regarding the quality of the land and the impact of the loss in terms of agricultural viability. The application did not include information of this nature so it had not been possible to make a full and considered assessment. Consequently, the application was recommended for refusal on the basis that it was contrary to Policies NE3, ERE1 and PL5. It was recommended that the Committee maintain refusal of the application.

The Committee noted that no persons present wished to speak for or against the application.

The Committee expressed considerable concern with regard to the retrospective nature of this application and the absence of detailed information. In this regard the Committee was particularly disappointed that representatives of Ports of Jersey had chosen not to attend the meeting. The Committee endorsed the Department recommendation and refused permission for the reasons set out in the report.

No. 1 Romney  
Villas, La  
Route de St.  
Aubin, St.  
Helier:  
proposed  
replacement of  
window  
(RFR).  
RW/2022/0270

A8. The Committee received a report in connexion with a request for the reconsideration of an application which proposed the replacement of an existing ground floor window with a door to the south elevation of No. 1 Romney Villas, La Route de St. Aubin, St. Helier. The Committee had visited the application site on 25th October 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and that the property was a Grade 3 Listed Building. Policies GD1, GD6, NE1, HE1 and HE2 of the 2022 Bridging Island Plan were relevant.

The Committee noted that No. 1 Romney Villas was a Grade 3 Listed Building and was an elegant mid-late 19th century townhouse which retained some original features and had group value as one of a pair. The application sought permission for the installation of a uPVC door to replace an existing uPVC window. The cill of the existing window would be lowered to facilitate the installation of the door.

As a Listed Building the property was subject to the policy constraints of HE1 and HE2. Policy HE1 sought to protect the special interest of Listed Buildings and the preamble to Policy HE2 made it clear that a change to the style or appearance of windows or doors could disrupt the overall appearance and harmony of a building. Any previous and unsympathetic changes to windows or doors installed in historic buildings did not set a precedent for further damage. As such, the preamble to the policy stated that replacements must be of a sympathetic design. Where it could be demonstrated that existing windows had little or no significance to the special interest of a Listed Building, replacement with replicated historic forms in all respects were supported, to include the method of opening, materials, proportions, dimensions, visual weight and detail. In this instance, having considered the application, the Department was unable to support the proposal on the grounds that the policy test had not been met. An objection had also been received from the Historic Environment Team and concerns had been raised regarding the loss of historic fabric as a result of the lowering of the cill, the absence of internal details and the inappropriateness of the design and material of the prospective door; all of which were contrary to Policy HE2 and, consequently Policy HE1. In light of the above, the application had been refused on the grounds that it was contrary to Policies HE1 and HE2 of the 2022 Bridging Island Plan and it was recommended that the Committee maintain refusal.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who outlined the nature of the objection and suggest that consideration could be given to a timber framed door in the middle of the existing bay window.

In response to a question from a member regarding the requirement for internal details, Ms. Ingle advised that whilst the Historic Environment Team did not contact applicants directly to seek this advice, policy information was set out on the Government website and the written consultation response detailed the nature of the objection to the application.

The Committee heard from Mr. [REDACTED], the applicant, who accepted the group value of Nos. 1 and 2 Romney Villas but argued that the rear of No. 2 was comprised by modern interventions. Mr. [REDACTED] explained that replacing the existing window with a door would allow direct access to [REDACTED] garden area.

Having considered the application, the Committee, with the exception of Deputies S.G. Luce of Grouville and St. Martin and A. Curtis of St. Clement, expressed support for the application on the basis that the rear elevation of this multi-occupancy property had been significantly altered by the installation of a number of uPVC units and that the proposal would not have an adverse effect. The Committee also believed that the provision of direct access to the garden area would have a positive effect on the health and wellbeing of the applicant, in accordance with Policy GD1 of the 2022 Island Plan. Consequently, permission was granted, contrary to the Department recommendation. The application would be re-presented at the next scheduled meeting for formal decision confirmation and the approval of any conditions which were to be attached.

Douceville Farm, Le Mont Cochon, St. Helier: proposed change of use of agricultural land (RFR). P/2021/1747

A9. The Committee received a report in connexion with a request for the reconsideration of an application which proposed the change of use of agricultural land at Douceville Farm, Le Mont Cochon, St. Helier to facilitate the creation of a driveway access. The Committee had visited the application site on 25th October 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies SP2, 3, 4, PL5, GD1, GD6, NE1, NE2, ERE1, H9, TT1, TT2 and WER6 of the 2022 Bridging Island Plan were relevant.

The Committee noted that the application sought permission for the relandscaping of a private access path and the change of use of part of an adjoining agricultural field to create a 2 lane access. Existing trees would be retained within an 'island' between the 2 paths, which would be finished with a 'Bitmac' surfacing material (a modern alternative to tarmac where the tar component was replaced with bitumen). There would be a grass verge to the south, adjacent to the adjoining agricultural field. The proposal would result in a large area of hardstanding within a verdant green area of undeveloped land, which was agricultural in nature and located within the Green Zone. The Land Controls Section objected to the application as it would result in the loss of agricultural land. It was noted that Fields Nos. 1450 and 1444 measured approximately 7.75 vergées and that agricultural restrictions had been imposed in accordance with the Agricultural Land (Control of Sales and Leases) (Jersey) Law 1974.

In conclusion, the development failed to respect the character of the area, appearing excessively urban in this context, thereby eroding the distinct countryside character of the area. Therefore, the application had been refused on the grounds that it was contrary to Policies SP2, SP3, SP4 and GD6 and it was recommended that the Committee maintain refusal.

The Committee noted that a procedural error had occurred in that the application had been validated by the Department in spite of the fact that the red line shown on the submitted plans fell outside of the application site.

One letter of representation had been received in connexion with the application.

The Committee heard from the applicant's agent, [REDACTED] [REDACTED] The re-location of part of the driveway would provide more privacy for Douceville Farm and would facilitate the creation of an improved access for both Douceville and Rose Farms and the aforementioned fields. It would also prevent any further structural damage to the south-eastern gable of Douceville Farm, which had been undermined by heavy vehicles passing the property. The application was considered to comply with the relevant policy context, to include Policy GD1 and particular reference was made to the wellbeing of the applicant. There were no public views into the site and the impact on the landscape would be minimal. The applicant was willing to consider an alternative surface material. On a related matter, it was noted that the description of the proposed works had been amended by the Department without the applicant's agreement and the point was made that there was no intention of changing the use of the fields.

Mr. [REDACTED] stated that he was very concerned about the structural damage which had occurred to his property and he also desired a greater degree of privacy. He believed that he had always been very accommodation in terms of allowing access to the fields.

Having considered the application, the Committee endorsed the recommendation to refuse permission for the reasons set out in the Department report.

La Mervelle,  
La Rue de  
Guillaume et  
d'Anneville St.  
Martin:  
proposed  
extension of  
roof terrace  
and privacy  
screen (RFR).

A10. The Committee received a report in connexion with a request for the reconsideration of an application which proposed the extension of a roof terrace and the erection of a privacy screen at the property known as La Mervelle, La Rue de Guillaume et d'Anneville St. Martin. The Committee had visited the application site on 25th October 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Coastal National Park and was on the Eastern Cycle Route Corridor. Policies SP2, PL5, GD1, GD6 and NE3 of the 2022 Bridging Island Plan were relevant.

P/2022/0510

The Committee noted the planning history of the site, to include a previously refused scheme in 2020. Whilst the current scheme and, in particular, the inclusion of the privacy screen and the removal of an external staircase mainly addressed the overlooking issue and would improve neighbouring privacy, the scale of the works to mitigate the overlooking impact were considered detrimental to the neighbouring amenity. The proposed development would be 4.6 metres deep at first floor level close to the adjoining boundary and the neighbouring dwelling and the privacy screen would be substantial. When coupled with proposed additional planting, this was considered to be overbearing, particularly when viewed from the garden of the neighbouring property. In summary, the form, depth and overall height of the proposed privacy screen above the existing ground floor extension would be significant and would have an overbearing impact on the neighbouring property, contrary to Policy GD1. For this reason the application had been refused and it was recommended that the Committee maintain refusal.

The Committee heard from Mr. [REDACTED] who referred to his letter dated 28th May 2022, in which he had set out his objections to the application, which centred around the creation of the terrace and its proximity to and impact on his property. The Committee was in receipt of Mr. [REDACTED]'s letter.

The Committee heard from Mr. [REDACTED] of MS Planning, who advised that the applicants had constructed a ground floor extension in 2020, with windows at first floor level which opened onto the roof of the extension. He outlined the differences between the previously refused and proposed applications and stated that there would be no overlooking to and from the neighbouring property. It was noted that a deck area had been constructed on the neighbouring site and this was 2 feet higher than that which had been approved and this overlooked the applicant's terrace and living area. The top of the proposed privacy screen would be below the height of a hedge on the neighbouring property (albeit that this had recently been cut back). There was also a holly bush on the application site which would provide screening. Mr. [REDACTED] believed that the neighbouring objection emanated from a desire to retain views across the application site to the sea beyond and he highlighted the fact that there was no right to a view in the planning context. He was of the opinion that the relationship between the application site and the neighbouring site was 'normal' and, in his professional opinion, the refusal of the application on the grounds of its overbearing impact was incomprehensible. The only explanation for this decision appeared to be the original case officer had not conducted a site visit and this had led to a lack of understanding of the context and a flawed assessment.

Having considered the scheme, the Committee unanimously approved the application, contrary to the Department recommendation and on the basis that it did not believe the proposed development would have an overbearing impact. The

Committee was of the view that the scheme was in accordance with Policy GD1. The Committee directed that the privacy screen be obscure glazed. In arriving at this decision, the benefit of visiting sites was highlighted as this was crucial in terms of understanding the context. Finally, the Committee noted that the application would be represented at the next meeting for formal decision confirmation and the approval of any conditions which were to be attached to the permit.

On a related matter, Deputy A. Howell of St. John, St. Lawrence and Trinity urged the applicants and their neighbours to seek to resolve issues in a neighbourly manner.

Surguy Farm,  
La Rue des  
Vignes, St.  
Peter:  
alteration of  
land levels to  
Field No.  
879A and  
valley to the  
south  
(RETRO-  
SPECTIVE)  
(RFR).

P/2021/1599

A11. The Committee received a report in connexion with a request for the reconsideration of a retrospective application which sought to regularise the alteration of land levels on Field Nos. 884 and 879A and a valley to the south of Surguy Farm, La Rue des Vignes, St. Peter. The Committee had visited the application site on 25th October 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Surguy Farm was a Listed Building. Policies SP2, PL5, GD1, GD6, HE1, NE1, NE2, NE3 and ERE1 of the 2022 Bridging Island Plan were relevant.

The Committee noted that retrospective permission was being sought for the alteration of land levels on the western portion of Field No. 884 (to the immediate south of Surguy Farm) and Field No. 879A; a smaller field further south on the opposite side of the southern cottage (known as Bats End). It was apparent from historic aerial imagery that works to raise land levels had occurred at some point in 2019 and had been completed in 2021. Prior to 2019, the fields in question had a rural, undulating and natural appearance, with varying land levels. The works which had occurred since that time had raised levels on both parcels of land, particularly Field No. 879A, which had originally sloped more dramatically from west to east. As a result of the land level changes, Field No. 884 was no longer easily accessible from the remainder of the field to the east and the submission submitted in support of the request for reconsideration did not sufficiently address this and, in fact, highlighted that a ramp might need to be installed. Similarly, raising land levels on Field No. 879A had resulted in a tiering effect, rendering the lower (eastern) portion of the land generally inaccessible. Whilst the levelling which had occurred had made the top (western) portion of the land more usable, this was not considered to be of any substantive commercial benefit and effectively split the field in 2, with the bottom half being unusable. This issue had also not been sufficiently addressed in the applicant's submission, particularly in relation to the lower section of the field.

Environmental Land Controls (ECL) had confirmed that the works had resulted in the fields no longer being useable for agricultural purposes, contrary to Policy ERE1. The works had also resulted in a detrimental impact upon biodiversity, with particular reference to the removal of topsoil, grassland, plants and shrubbery, contrary to Policy NE1. Policy NE3 sought to protect or improve landscape quality and there had been an adverse impact on the local landscape and the specific character type of the area. The works also detrimentally impacted the setting of the Grade 4 Listed Surguy Farm, in particular the levelling and infilling of the valley to the south-east of the cottage, contrary to Policy HE1. For all of these reasons the application had been refused and it was recommended that the Committee maintain refusal.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer who discussed the historic interest of the 19th century farmhouse and its outbuildings. Whilst the fields lay outside of the Listing they contributed to the

setting of the farmhouse, outbuildings and the southern cottage. The Historic Environment Team had provided advice in relation to the development of the site from 2016 onwards and had endeavoured to ensure that the conversion of the barns and the southern cottage did not damage the rural setting and had sought to limit the amount of residential curtilage. The unauthorised works which had been carried out had a significant impact on the setting and had resulted in the manicuring of the rural environment and had created a disconnect between the historic value of the Listed Buildings. Ms. Ingle understood from the applicant that he had agreed to store topsoil on the site for a third party. When this had been removed the levels had not been restored.

The Committee heard from Mr. S. Surcouf, Mapping and Data Manager, Environmental Land Controls, who advised that the works were not supported and that they had adversely affected access to the fields. Mr. Surcouf had also been informed that the changes to the head of the field meant that water could not drain down the valley but instead pooled behind a hedgerow.

On a related matter, the Committee expressed some concern at the appearance of a new driveway from the west. Whilst this had received approval, the Principal Historic Environment Officer advised that she had not envisaged it being so suburban in appearance.

The Committee heard from the applicant, Mr. [REDACTED], who spoke at some length about the problems he had encountered during the course of the development and resultant 'steep learning curve'. He explained that he had agreed to store topsoil from the new Les Quennevais School development for BRB Site Excavations and Groundworks Limited but had not appreciated just how much material there would be. He had subsequently asked for the topsoil to be removed but stated that he had been unhappy with the levels and had requested the removal of additional material (although he admitted being unsure of the original lay of the land). Problems had also been encountered with flooding from the field to the west and the cottage had been waterlogged. In order to prevent a re-occurrence, Mr. [REDACTED] had decided to create a bank. In response to questions from members Mr. [REDACTED] confirmed that he had sold both the farmhouse and the cottage but retained ownership of the field. Members commented on the manicured appearance of the field, having noted that the grass had been mowed and goalposts installed.

Having considered the application, the Committee endorsed the recommendation to refuse permission for the reasons set out above. In doing so members expressed considerable concern and disappointment at the retrospective nature of the application and the significant damage which had occurred.

No. 2 Le  
Jardin de la  
Rai,  
Springfield  
Road, St.  
Helier:  
construction of  
garden shed  
(RETRO-  
SPECTIVE)  
(RFR).

A12. The Committee received a report in connexion with a request for the reconsideration of a retrospective application which sought retrospective permission for a garden shed at No. 2 Le Jardin de la Rai, Springfield Road, St. Helier. The Committee had visited the application site on 25th October 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area of the Green Backdrop Zone and that Policies GD1, GD6 and GD8 of the 2022 Bridging Island Plan were relevant.

The Committee noted that the application site comprised a semi-detached 2 storey residential dwelling on the northern side of Springfield Road. The dwelling benefitted from a rear garden measuring 35.31 square metres and a timber shed



measuring 15.5 square metres had been constructed predominantly in the centre of the garden. The shed occupied 43 per cent of the garden space.

The application had been refused on the grounds that it constituted the overdevelopment of a small residential garden by virtue of the size and scale of the shed, which was considered incongruous and out of keeping with its surroundings. The construction of the shed had also resulted in the loss of a large proportion of the garden of this property, which was situated in the Green Backdrop Zone. The development was therefore contrary to Policies GD6 and GD8 of the 2022 Bridging Island Plan, which policies which sought to support developments that enhanced and maintained the Green Backdrop Zone and ensure that development proposals were appropriately proportioned. It was recommended that the Committee maintain refusal of the application.

The Committee heard from Mr. [REDACTED], who advised that [REDACTED] the occupant had erected the shed in the belief that it was permissible under the Planning and Building (General Development) Order 2011 (permitted development rights). However, it was accepted that the shed was over 2 metres high and had been positioned closer than one metre from the boundary, contrary to the provisions of the Order.

The Committee also heard from the occupant of the property, who advised that he had visited the Department to seek advice prior to constructing the shed in 2014 and had understood from a staff member that consent was not required. Reference was also made to Supplementary Planning Guidance (SPG) Planning Policy Note No. 11 and electronic mail messages with the Department, but it was noted that these had not been included within the Committee's agenda pack and that the case officer had not had sight of the same, albeit that it was alleged that these had been submitted.

Having considered the application, the Committee endorsed the recommendation to refuse permission for the reasons set out in the Department report. In doing so the Committee acknowledged that there appeared to have been a misunderstanding which had led to the misinterpretation of the SPG and the Committee requested that the matter be investigated.

No. 39  
Belvedere,  
Princes Tower  
Road, St.  
Saviour:  
proposed  
conversion of  
garage to  
habitable  
accommodat-  
ion (RFR).

P/2022/0154

A13. The Committee received a report in connexion with a request for the reconsideration of an application which sought permission for the conversion of a garage to habitable accommodation at No. 39 Belvedere, Princes Tower Road, St. Saviour. The Committee had visited the application site on 25th October 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and was on the Eastern Cycle Route Corridor. Policies GD1 and GD6 of the 2022 Bridging Island Plan were relevant.

The Committee noted that permitted development rights had been removed when the Belvedere development had been approved to ensure control over the quantity and type of new proposals, given the restricted space on site. This included the conversion of garages to ancillary residential spaces so as to ensure adequate parking provision. No. 39 Belvedere was a semi-detached dwelling located in the Built-up Area and the applicant was seeking permission for the conversion of the existing garage to habitable accommodation and the proposals included the introduction of a new door to the south-east elevation of the property. The removal of the garage would mean that the provision of car parking would fall below the minimum standards for a 4 bedroom house, which could lead to parking outside of the domestic curtilage of the property. The Committee was advised that whilst 2 properties on the development had converted their garages to habitable

accommodation, in one case the work had been carried out without consent and in the other the property retained 4 parking spaces after the conversion.

The application under consideration had been refused on the grounds that it was contrary to Policies GD1 and GD6 of the 2022 Bridging Island Plan. It was recommended that the Committee maintain refusal.

One letter of representation had been received in connexion with the application.

The Committee heard from Mr. [REDACTED] representing the applicant, who advised that approval had been granted for the conversion of the garage at another property on the development just after the application for No. 39 had been refused. He went on to explain that at 3 metres the garage at No. 39 was very small and could not be considered a useable parking space. Furthermore, the existing parking guidelines had been formulated in 1988 and were out of step with current thinking and required review. Policy SP1 of the 2022 Bridging Island Plan sought, among other things, to reduced reliance on private vehicles and this appeared to be at odds with the parking guidelines. However, it was pointed out that visitor parking was situated in close proximity to the application site.

The Committee heard from the applicant's son, Mr. [REDACTED] who sought to illustrate just how outdated the existing parking guidelines were by reminding the Committee of the political landscape of the day, which included the fall of the Berlin Wall in 1989 and the latter years of Mr. R. Reagan's Presidency of the United States of America. Turning to the application, he advised the Committee that although the property comprised 4 bedrooms it had only one reception room on the ground floor. The house could potentially be occupied by 5 people and there were 2 parking spaces outside and a garage which was not large enough to accommodate a family car. There were however 5 visitor parking spaces close to No. 39. The proposal would not alter the frontage of the dwelling so there would be no impact on the character of the area or neighbouring amenities. The conversion of the garage would provide a second ground floor room and this would have a positive effect [REDACTED] [REDACTED] in accordance with Policy GD1. Mr. [REDACTED] went on to discuss the problems faced by families when there was a lack of space for socialisation. The existing garage area reserved over 40 per cent of the downstairs space for a vehicle and this was clearly contrary to current thinking, where the emphasis was on car sharing and using alternative modes of transport. Moreover, the application site was in close proximity to local amenities. In response to a question from a member, Mr. [REDACTED] confirmed that [REDACTED] [REDACTED] heat was lost through the existing garage. Whilst the garage door would be retained, Mr. [REDACTED] confirmed that it would be insulated.

Having considered the application, the Committee, with the exception of Deputy S.G. Luce of Grouville and St. Martin, endorsed the recommendation to refuse permission for the reasons set out above.

Written  
representat-  
ions received  
after the  
publication of  
the agenda.

A14. The Committee discussed the number of late representations which were being received after the publication of the agenda for the public meeting and whether to introduce a cut-off point for the receipt of such representations.

Whilst members expressed general concerns about the above, the significant number of additional representations which had been received in relation to an application for the redevelopment of the Water's Edge Hotel, Les Charrieres de Boulay, Trinity (Minute Nos. A2 and A3 refer) had presented considerable challenges for the Committee and the Department. Some of these written representations had been received late in the day preceding the public meeting and this had made it

particularly difficult for member to digest lengthy and often detailed documents at very short notice.

The Committee requested that the Department ascertain whether there was anything to prevent the imposition of a deadline for the receipt of written representations.